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17 APR 1958

OGC Has Reviewed

MEMORANDUM FOR: Office of General Counsel

SUBJECT: Request for Determinations on Overtime Policy Proposals

1. This office is developing an overtime policy which would propose a limitation by grade level on compensation, either by payment or granting of compensatory time, for overtime performed. The proposal includes the establishment of a "premium pay" compensation system to cover instances of irregular, uncontrolled, investigative-type overtime work.

2. In keeping with the above mentioned study, specific questions are presented for your determination:

a. Can compensation for overtime work, by payment or compensatory time off, be limited, both in Headquarters and field installations, to GS-11 and below?

b. Can this limitation be extended to non-GS employees at comparable salary rates for any type of overtime work performed by them?

c. Can compensatory time off be directed as compensation in lieu of overtime pay without the employee's consent and regardless of grade?

d. Where compensatory time is granted, can a maximum (of 80 hours) be established relative to carrying it over from station to station or leave year to year?

e. In keeping with Public Law 763, which contains an Amendment to the Federal Employees Pay Act of 1945, can a premium pay system be implemented as a means of compensation in lieu of overtime for specifically designated functions and, within the framework of this system, can we impose arbitrary limitations by grade level or amount earned on eligibility for compensation?

f. Can it be prescribed that anyone receiving annual premium pay be arbitrarily limited from receiving overtime compensation for what otherwise could be construed as regularly scheduled overtime?

/s/ Gordon M. Stewart

Gordon M. Stewart
Director of Personnel

OP/PFS [] jyr (16 April 58)

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